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THOMAS G BRUTON
CLERK, U S DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Jamell-Olmstead' Malone,

Plaintiff(s),

vs.

CHICAGO POLICE DEPARTMENT,

Defendant(s).

1:13-cv-03900
Judge Thomas M. Durkin
Magistrate Judge Maria Valdez

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a* pro se *plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

- **This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.**
- **The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.**
- **Plaintiff's full name is** Jamell Olmstead; Malone.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, Officer Foggery / Officer ~~Campl~~ CAMPBELL and others, is
(name, badge number if known)

☑ an officer or official employed by CITY OF POLICE Department;
(department or agency of government)

______________________________ or

☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is CITY OF CHICAGO. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about 3 / 18 / 2013, at approximately 12:15 AM ☑ a.m. ☐ p.m.
(month, day, year)

plaintiff was present in the municipality (or unincorporated area) of Chicago ______________________________, in the County of Cook,

State of Illinois, at 71st Stony Island (westbound),
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows *(Place X in each box that applies)*:

☒ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;

☒ searched plaintiff or his property without a warrant and without reasonable cause;

☒ used excessive force upon plaintiff;

☒ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;

☐ failed to provide plaintiff with needed medical care;

☒ conspired together to violate one or more of plaintiff's civil rights;

☐ Other:

____

____

______________________________.

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): ______________________________

____

____

______________________________.

8. Plaintiff was charged with one or more crimes, specifically:

With a civil injury to the ~~plaintiff~~/ defendant.
or the municipality of "CITY OF CHICAGO";
No driver License and one head lamp out

9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) **The criminal proceedings**

☐ **are still pending.**

☐ **were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.**[1]

☒ **Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows** No jury. that I wanted and a disregard for Constitutional laws and rights.

☒ **Other:**
had substantial evidence of my auto lights that were on soon after I left the station.

10. **Plaintiff further alleges as follows: (*Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.*)**
Officer Foggery tried to open my back passenger left side door before inquiring any questions, then I questioned him about trying to open my back door, ~~Others~~ officers, one named Campbell, hit my car window with his club, so I just told the officers of atleast 4-6, that I dont consent to a search of ~~my~~ auto and self, and the traveling as a natural person, is not a privilege, but a right. I was detained and sent to 71st police officers district and released about 45 mins - 1 hr later.

[1]Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

11. **Defendant acted knowingly, intentionally, willfully and maliciously.**

12. **As a result of defendant's conduct, plaintiff was injured as follows:**
Deprivation of Constitutional Rights, Unlawful Warrant & Seizure of auto and self, with Excessive and unusual punishment of false ~~[illegible]~~ arrest and detention.

13. **Plaintiff asks that the case be tried by a jury.** ☒ **Yes** ☐ **No**

14. **Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.**

WHEREFORE, plaintiff asks for the following relief:

A. **Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;**

B. ☒ ***(Place X in box if you are seeking punitive damages.)*** **Punitive damages against the individual defendant; and**

C. **Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.**

Plaintiff's signature: Jamell D - Olmstead - Malone

Plaintiff's name ***(print clearly or type)*:** Jamell - Olmstead Malone

Plaintiff's mailing address: 5401 S. Ellis Apt 19

City Chicago **State** Illinois **ZIP** 60615

Plaintiff's telephone number: (312) 479-4226.

Plaintiff's email address ***(if you prefer to be contacted by email)*****:**________________

____

15. Plaintiff has previously filed a case in this district. ☐ **Yes** ☒ **No**

If yes, please list the cases below.

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.